

REMARKS

By the foregoing amendments, Claims 1 -50 have been cancelled without prejudice or disclaimer, new claims 51-81 have been added. Reconsideration and further examination of the Application is requested in view of the foregoing amendments and the following remarks.

CLAIM OBJECTIONS

In the Office Action Claims 43 and 44 were objected to because of the use of the word source, which lacked antecedent. Claims 43 and 44 were cancelled without prejudice or disclaimer. Applicant thanks the examiner for pointing out the error and necessary correction.

REJECTIONS UNDER SECTION 102

In the Office Action Claims 1, 3, 5, 7, 9-21, 23, 24, 26, 29-31, 33-36, 38-40, 42-44 and 47-52 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Woodward et al. (US006151318A), hereafter Woodward. Although the following remarks are primarily directed to the pending independent claims they apply in equal force to each of the claims which depend therefrom. Though each of the rejected claims has been cancelled, new claims 51-81 are directed to the same subject matter and are therefore addressed here. Each of the new independent claims is intended to further clarify the scope of the invention. Applicant respectfully submits that all of the pending claims are patentable over Woodward.

Each of the new independent claims now more clearly indicates that when a first service data packet or fragment of a first service packet is mapped or loaded into the payload of a protocol data unit, a subheader is created in the payload of the protocol data unit which indicates the length of the first service data unit (or fragment thereof).

For example, Claim 51 includes the limitation, “wherein some of the payload area of the protocol data unit comprises a packing subheader for each service data unit mapped therein having a length field.”

Woodward does not teach or suggest the use of a length field in packet subheaders. Rather, Woodward describes the removal of header information when multiple ATM packets are to be encapsulated in a transmitted packet. For example, “ATM payload 104 is 48 bytes long,

which is the standard length for any ATM payload, Compressed ATM header 102, however, differs in length from standard ATM header length. Compressed ATM header 102 is less than five bytes in length. In a preferred embodiment compressed ATM header 102 has had the VPI and VCI fields removed, resulting in a header length of two bytes. Compressed ATM header 102 can also have the VPI field removed by itself, the VCI field removed by itself, or both can be removed. Moreover, either or both of the VCI and VPI fields can be removed in conjunction with any other of the standard ATM header fields.” (Woodward, col. 4, lines 24-36) As the ATM packets in Woodward are of fixed length (48 bytes), there is no reason for Woodward to even contemplate adding length information in subheaders, as the length of each of the encapsulated packets is known *a priori*, whether a fragment or an entire packet is the encapsulated data.

Additionally, Woodward does not teach or suggest using service data packets in more than one format, as the only format taught or suggested by Woodward is the ATM cell. Again, as the ATM format is of known format and predictable length, the process of encapsulating the ATM cells into a packet for transmission is relatively simple by comparison to the present invention.

REJECTIONS UNDER SECTION 103

In the Office Action Claim 6 was rejected as being unpatentable over Woodward in view of Jha (US007006525), hereinafter “Jha”. Though claim 6 has been cancelled, this ground of rejection is addressed with regard to the new independent claims in order to move prosecution forward.

The new independent claims (for example, claim 51) include the limitation, *inter alia*, “wherein the header area of the protocol data unit comprises a length field.” As neither Jha, nor Woodward teach or suggest the use of a header which indicates the length of the protocol data unit, the references do not disclose all of the limitations of the independent claims.

Jha, in general, deals with a fixed length SONET/SDH frame being transmitted over a wired network. The bandwidth available to a system described in Jha is fixed, as a result the frame size is fixed. Thus there is no need to include a length header on any frame being transmitted in the system described by Jha.

Woodward, in general, describes a satellite communication system which uses packets of fixed size which encapsulate ATM cells of fixed size. The incorporation of a length header in either the packet or the cell is neither taught nor suggested by Woodward.

Furthermore, Woodward only describes the use of a known length ATM cell. It would not have been obvious to merely combine Woodward and Jha to include the packing of IP data. If one was to take the system of Woodward and include IP packets as well as ATM cells, there would be no way to distinguish the IP packets and ATM cells within the encapsulated protocol layer packet without further including a distinguishing subheader that described the length of the packet.

Therefore Applicant respectfully submits that the claims are patentable over Jha and Woodward. Neither reference teaches or suggests the use of a length header to indicate length of the transmitted data packet. Further, Woodward is not directed to the same problem as Jha, and therefore a person skilled in the art would not consider the combination.

In the Office Action Claims 8, 26 and 40 were rejected as being unpatentable over Woodward in view of Sturza et al. (US006665296B1), hereafter "Sturza".

Claim 8, 26 and 40 have been cancelled, and as neither Sturza, nor Woodward teach or suggest the use of a packing subheader to indicate the length of the encapsulated service data unit, the references fail to disclose all the limitations of the parent claim.

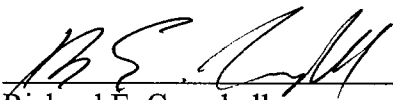
CONCLUSION

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

Dated:

12/18/07



Richard E. Campbell
Reg. No. 34,790

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900 (Phone)
(619) 235-0398 (Fax)
Customer No. 27189